SINGLE BENCH

(35)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 2423 **/2006**

PETITIONER : Rameshwar Sharan Singh S/o. Late Shiv Bahadur Singh, Aged about 50 years, R/o. Village Dhaurpur, District Surguja (CG), At present R/o. Ramanujganj Road, Ambikapur, P.S. Ambikapur, District Surguja (CG)

P.R. No. 24806 presented by Shri M.V. Pranjpe dated 6/5/06

VERSUS

RESPONDENTS : 1] State of Chhattisgarh, Through: Collector, Ambikapur, District Surguja (CG)

2] District Cooperative Rural and Agricultural Land Development Bank, Ambikapur, Through: its Incharge-Chairman i.e. Collector, Ambikapur District Surguja (CG)

3] S.D.M., Ambikapur, District Surguja (Chhattisgarh)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2423 of 2006

Petitioner Rameshwar Sharan Singh

Versus

Respondents State of Chhattisgarh and others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri A. Goverdhan, Advocate for the petitioner.

Shri Sanjay S. Agarwal, Govt. Advocate for the respondents No. 1 and 3.

None for the respondent No.2.

ORAL ORDER

(10th May, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel for the petitioner submits that the mother of the petitioner namely Smt. Gayatri Devi, obtained a loan of Rs. 36,800/- under the agreement dated 14.2.1989 after mortgaging her land admeasuring 6.981 and 9.329 acres, bearing khasra No. 289/1 and 216/2, situated at village-Dhaulpur, Tahsil- Lundra, District – Surguja. According to learned counsel for the petitioner, the mother of the petitioner died in 1998 without utilizing the money for plantation. The petitioner has received a notice on 6.12.2005 for recovery of the loan amount advanced, with interest, to the tune of Rs. 1,27,225/-.

2. Learned counsel for the petitioner further submits that the petitioner is ready and willing to make payment but in view of his financial condition it is not possible to deposit the amount within a period of 10 days. It is further submitted that the Bank/Respondent No.2 be directed to consider the representation of the petitioner for disposal of the property mortgaged with the respondent No.2 to recover loan

amount and no coercive steps be taken for recovery of the money, by disposing of his residential property.

3. Learned counsel appearing for the respondents No. 1 and 3 does not have any objection for the prayer No.7.2, made in the petition, for consideration of the representation dated 24.4.2006.

4. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the respondent No.2 is directed to consider and decide the representation dated 24.4.2006, made by the petitioner, keeping in view of the peculiar facts and circumstances, for recovery of money by disposing of the land mortgaged with the Bank within a period of four weeks from the date of receipt of a copy of this order. It is further directed that no coercive steps be taken for recovery of money till the final disposal of the representation of the petitioner.

5. In view of the above, the petition stands disposed of.

Certified copy, as per Rules.

Sd/-
Satish K.Agnihotri
Judge

Thakur